

**In the United States District Court  
for the Southern District of Georgia  
Waycross Division**

LOVIE MCVEIGH,

Plaintiff,

v.

CV 5:23-107

DOYLE WOOTEN, et al.,

Defendants.

**ORDER**

Plaintiff initiated this action on November 1, 2023, in the Superior Court of Coffee County, Georgia. Dkt. No. 1-1. On December 5, 2023, Defendants removed the case to this Court. Then, on December 6, 2023, Defendants moved to dismiss Plaintiff's complaint. Dkt. Nos. 4, 5. On December 22, 2023, Plaintiff filed an amended complaint as of right, dkt. no. 11, mooted the motions to dismiss, dkt. no. 14. On January 4 and 5, 2024, Defendants moved to dismiss Plaintiff's amended complaint. Dkt. Nos. 15, 17. After a hearing on the motions, and a period of limited discovery, dkt. nos. 44, 45, Plaintiff filed a motion for leave to amend her complaint a second time, dkt. no. 47. The Court granted the motion. Dkt. No. 48. On September 30, 2024, Plaintiff filed a second amended complaint. Dkt. No. 49. For the reasons below, Defendants' motions to dismiss, dkt. nos. 15, 17, are **DENIED as moot.**

### LEGAL STANDARD

Under Rule 15 of the Federal Rules of Civil Procedure, a party may amend its pleading with the Court's leave. Fed. R. Civ. P. 15(a)(2). An amended pleading "supersedes the former pleading" such that "the original pleading is abandoned by the amendment, and is no longer a part of the pleader's averments against his adversary." Dresdner Bank AG v. M/V Olympia Voyager, 463 F.3d 1210, 1215 (11th Cir. 2006) (internal quotation marks and citation omitted); see also Fritz v. Standard Sec. Life Ins. Co., 676 F.2d 1356, 1358 (11th Cir. 1982) ("Under the Federal Rules, an amended complaint supersedes the original complaint.").

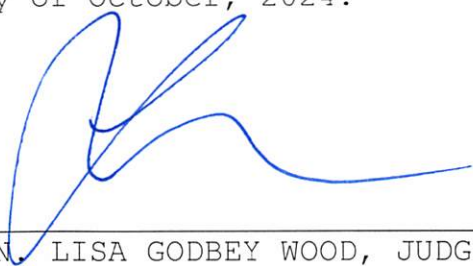
### DISCUSSION

Plaintiff sought and received the Court's leave to file a second amended complaint pursuant to Rule 15(a)(2). Further, Plaintiff's second amended complaint supersedes her first amended complaint. Defendants' motions to dismiss the first amended complaint, dkt. nos. 15, 17, have thus been rendered moot by Plaintiff's filing of her second amended complaint. Should Defendants wish to file a motion to dismiss Plaintiff's second amended complaint, they are granted leave to do so within the time prescribed by the Federal Rules of Civil Procedure.

### CONCLUSION

Defendants' motions to dismiss the amended complaint, dkt. nos. 15, 17, are **DENIED as moot.**

SO ORDERED, this 2 day of October, 2024.



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HON. LISA GODBEY WOOD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA